IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 13821 of 2007(U)

PETITIONER:

K.SURESHAN, S/O.SREEDHARAN,
KATTUNGAL HOUSE, P.O.,ELATHUR,
KOZHIKODE DISTRICT.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.13821 OF 2007

DATED THIS THE 11th DAY OF JULY, 2007

JUDGMENT

The petitioner is operating a stage carriage vehicle bearing registration No.Kl11/T 4849 on the route Kozhikode – Koodaranhi (via) Mukkom. The timings of the permit were settled on 21.1.1997. The petitioner submits that after settlement of timings in 1997, several permits have been issued in the same route and timings of several of those permits clash with those of the petitioner. In the above circumstances, the petitioner submitted Ext.P2 application for revision of his timings. The petitioner filed this writ petition seeking direction to consider Ext.P2. Thereafter, the petitioner has along with I.A.No.9088/07 produced Ext.P3 letter dated 2.5.07, wherein referring to a letter dated 3.4.07 the petitioner was informed that the revision of time schedule may cause time clash with other route operators. The learned counsel for the petitioner submits that Ext.P3 has been issued only to tie hands of this Court in this writ petition. He points out that what is referred to in Ext.P3 in some other letter and not in Ext.P2 and further Ext.P3 also does not specifically deal with his contentions that subsequent to settling of the petitioner's timings several services have

been introduced in the same route. In the above circumstances, the petitioner seeks a direction to the respondents to consider and pass appropriate orders on Ext.P2 with reasons.

2. I have heard the learned Government pleader also. From Ext.P3,I find that Ext.P3 does not meet any of the contentions raised by the petitioner except that the revision of time schedule may cause time clash with other route operators. It does not consider the question as to whether because of the introduction of a new service there is change of circumstance warranting revision of the petitioner's time schedule. Therefore, I am of opinion that the respondents shall reconsider the matter in the light of the contentions in Ext.P2. Accordingly, I direct the respondents to reconsider the matter in the light of the contentions raised by the petitioner in Ext.P2 and pass a speaking order meeting the contentions raised by the petitioner in Ext.P2. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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